

EXHIBIT I

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: ADAMS GOLF, INC., : CIVIL ACTION NO. 99-371
SECURITIES LITIGATION :

DECLARATION OF ELIZABETH W. FOX, ESQ.

I, ELIZABETH W. FOX, ESQUIRE, declare under penalty of perjury:

1. I am an attorney at Berger & Montague, P.C. and was in charge of preparing discovery responses and scheduling the depositions of the Proposed Lead Plaintiffs.
2. On receipt of the interrogatories and document requests, I sent each plaintiff the interrogatories and document requests directed to that plaintiff.
3. I then called each plaintiff and obtained their responses. In addition, Dr. Shockley and Mr. Morrash sent drafts of their responses.
4. I then had the responses typed and sent the finals back to plaintiffs for their approval.
5. All plaintiffs confirmed that their typed responses were correct before the responses were served on defendants.
6. Attached hereto as Exhibit A is a true and correct copy of the relevant sections of the deposition of Patricia Craus taken on February 18, 2005.
7. Attached hereto as Exhibit B is a true and correct copy of the relevant sections of the deposition of Dr. Kenneth Shockley taken on February 25, 2005.
8. Attached hereto as Exhibit C is a true and correct copy of the relevant sections of the deposition of Todd Tonore taken on February 25, 2005.
9. Attached hereto as Exhibit D is a true and correct copy of the relevant sections of the deposition of John Morrash taken on February 23, 2005.

10. Attached hereto as Exhibit E are true and correct copies of e-mail correspondence between Adams Golf's attorneys and Berger & Montague attorneys.

11. Attached hereto as Exhibit F is a true and correct copy of Dr. Shockley's retainer agreement with counsel.

12. Attached hereto as Exhibit G is a true and correct copy of Mr. Tonore's retainer agreement with counsel.

13. Although defendants could have served interrogatories and document requests in mid-December under the Court's Scheduling Order of November 29, 2004, defendants delayed serving interrogatories and document requests until January 12, 2005 with answers due on February 11, 2005. See e-mail Brannen to Fox, February 1, 2005, in Ex. E.

14. Defendants then demanded that all proposed lead plaintiffs appear for deposition during the week of February 21, 2005 (February 21 itself was President's Day) and proposed doing two depositions on one day. See Brannen to Fox, February 4, 2005, in Ex. E..

15. Although Ms. Craus was scheduled for surgery during that week, she agreed to adjust her schedule so that she could be deposed on Friday, February 18. See e-mail Fox to Brannen, February 9, 2005, in Ex. E..

16. Dr. Shockley was originally scheduled for deposition on February 24, 2005. See e-mail Brannen to Fox February 8, 2005, in Ex. E.

17. On inquiring of Dr. Shockley's personal counsel, Alan Sanders, Esq., if Dr. Shockley would be available on February 24th, Sanders told me that Dr. Shockley had jury duty in Florida. Dr. Shockley did not know how long the jury duty would last. Sanders told me he would know by February 23, 2005 if Dr. Shockley would be free for the 24th. See e-mail Fox to

Brannen, February 9, 2005, in Ex. E.

18. It is my understanding that Mr. Sanders was out of his office on vacation over the Presidents' Day weekend from Friday, February 18 to Wednesday, February 23, 2005. See e-mail Fox to Brannen, Feb. 10 in Ex. E. Mr. Sanders called me on Tuesday, February 22, to tell me that Dr. Shockley would be available on Friday, February 25th. See e-mail of February 10, 2005, Fox to Brannen, in Ex. E.

19. On the 22nd, after speaking with Mr. Sanders, I sent a letter by e-mail (pdf) to Adams Golf's counsel Michelle Reed in response to her letter to me, confirming that Dr. Shockley would be available for Friday the 25th. See February 22, 2005 letter from Fox to Reed, and e-mails dated February 24, 2005 between Todd Collins, who defended Dr. Shockley and Jenny Brannen, representing Adams Golf, confirming the deposition for the 25th, in Ex. E.

20. I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 3, 2004

Elizabeth W. Fox
Elizabeth W. Fox

EXHIBIT A

PATRICIA CRAUS

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UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

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IN RE:

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ADAMS GOLF, INC.,
SECURITIES LITIGATION

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ORAL DEPOSITION OF

11

PATRICIA CRAUS

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FEBRUARY 18, 2005

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ORAL DEPOSITION OF PATRICIA CRAUS, produced as a
witness at the instance of the Defendants, and duly
sworn, was taken in the above-styled and numbered cause
on February 18, 2005, from 9:59 a.m. to 1:15 p.m.,
before DELLA M. SAWVEL, CSR in and for the State of
Texas, reported by machine shorthand, at the offices of
AKIN GUMP STRAUSS HAUER & FELD, LLP, 300 West 6th
Street, Suite 2100, Austin, Texas, pursuant to Federal
Rule of Civil Procedure 30(b)(1) and the District of
Delaware Federal Rules.

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<p style="text-align: right;">Page 6</p> <p>1 something that is not securities or anything, but 2 probably it was longer ago than that. I would just be 3 guessing to say around 1992 or something. 4 Q. Okay. What types of cases have you had your 5 deposition taken in? 6 A. I'm a land developer, and it would be like a 7 homeowner might file suit over something they felt 8 wasn't what it was supposed to be, and then I ended up 9 in a suit, a class action suit with American Airlines. 10 They just sent me papers and I don't have a clue what 11 they did. 12 Q. So you weren't a named party? 13 A. No, no, no. 14 MS. FOX: But there was no deposition in 15 that. 16 THE WITNESS: No deposition, no, I'm 17 sorry. I got, I think, three little tickets that if you 18 appeared in a chicken suit at 8:00, you got \$15 off your 19 ticket, or something to that effect. 20 Q. (BY MS. REED) Were you a party in the land 21 developer suits? 22 A. Yes. 23 Q. And were you a defendant? 24 A. Individually, no. No, only as a company. 25 Q. Okay. I just want to go over some basic ground</p>	<p style="text-align: right;">Page 8</p> <p>1 truthfully and accurately? 2 A. No. 3 Q. Could you give me your address? 4 A. 520 Lakeside, one word, L-A-K-E-S-I-D-E, Drive, 5 and it's in the town of Azle, A-Z-L-E, Texas, 76020. 6 Q. And were you living at that address in 1998 to 7 '99? 8 A. Yes. 9 Q. And what is your business? 10 A. Basically, it has been land development, but 11 also building shopping -- built a shopping center and 12 movie theatre and various investments. 13 Q. What is the name of your business? 14 A. I have several. The most active would be Star 15 Village, L.P. 16 Q. Are you married? 17 A. No. 18 Q. I'd like to go over some of your educational 19 background starting with high school, going through any 20 potential graduate school you might have had. 21 A. High school was in Beaumont, Texas, and then a 22 BA degree from Howard Payne University in Brownwood. 23 Q. What was your degree that you received? 24 A. Major in speech. 25 Q. Sorry. I should have asked what your</p>
<p style="text-align: right;">Page 7</p> <p>1 rules. 2 A. Sure. 3 Q. Since you've had it taken before, you probably 4 know, you're under oath and so this is as if we were in 5 court. You're supposed to testify truthfully. And this 6 is probably the most important rule, is to answer 7 audibly, uh-huhs, or huh-uhs, are difficult for her to 8 type down, and it's best for us not to talk over one 9 another. I'm sometimes the worst at that. Because it's 10 hard for her to take down two people talking at the same 11 time. 12 Tell me if you don't understand a question 13 I ask. It's no problem. I can rephrase it. I'll try 14 to be clear, but if you answer, I will assume that you 15 understand the question. If you need a break, say so. 16 We can do it at any time. Try not to leave a question 17 pending. Just answer the question and we can take a 18 break. Don't guess in your answers to any of these 19 questions, but I'm still entitled to your best 20 recollection. So -- but there's no reason to guess. Is 21 there any reason you can't give your best testimony here 22 today? 23 A. No. 24 Q. And is there any mental or physical condition 25 or medications that would prevent you from testifying</p>	<p style="text-align: right;">Page 9</p> <p>1 major/minor was, because your degree was a BA. 2 A. It was a BA degree. 3 Q. Did you have any financial business accounting 4 classes? 5 A. I think I had one class that was business. I 6 minored in Bible. 7 Q. In -- 8 A. Bible. 9 Q. Okay. And do you have any graduate education? 10 A. No. 11 Q. Have you taken any seminars or trade courses 12 since -- since graduating from college? 13 A. Well, I received a broker's license from the 14 State of Texas. 15 Q. A real estate? 16 A. Yes. 17 Q. When did you receive that license? 18 MS. FOX: Don't guess. 19 THE WITNESS: A very long time ago. 20 Q. (BY MS. REED) Are you a member of any 21 professional societies? 22 A. No. 23 Q. Now, I'd like to turn to your employment 24 history. If you could, list your employers since you 25 graduated from college. Now, I know that might be a</p>

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1 lot. So if you want to sort of group them, that's fine,
 2 so that we can move it along.
 3 MS. FOX: Do you have that -- off the
 4 record just a second.
 5 (Discussion off the record)
 6 Q. (BY MS. REED) Does the CV cover your major
 7 employers since you graduated?
 8 A. Yes.
 9 Q. Okay. Let's skip over this, and then we can
 10 come back.
 11 MS. FOX: That's fine.
 12 Q. (BY MS. REED) When did you learn that you were
 13 going to have your deposition taken in this case?
 14 A. I don't remember the date, but in the past year
 15 or so.
 16 Q. And who told you?
 17 A. The firm of -- that's represented by Ms. Fox,
 18 Berger & Montague.
 19 Q. Did you meet with anyone to prepare for this
 20 deposition?
 21 A. Yes.
 22 Q. Who did you meet with?
 23 A. Ms. Fox.
 24 Q. When did you meet with Ms. Fox?
 25 A. Last night.

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1 Q. Did you meet with her at any other time?
 2 A. No.
 3 Q. How long did you meet?
 4 A. We had dinner, probably two hours at the
 5 maximum.
 6 Q. Have you met personally with any of your
 7 attorneys before today?
 8 A. No.
 9 Q. Or I guess I should say before last night?
 10 A. Yes. Okay.
 11 Q. And did you -- have you communicated with
 12 anyone else in preparation for your deposition?
 13 A. Well, I have spoken with Todd Collins with the
 14 firm of Berger & Montague, and I have spoken with
 15 Ms. Fox.
 16 Q. Have you spoken with anyone else about your
 17 deposition other than your attorneys?
 18 A. No.
 19 Q. And this includes phone or written
 20 communications?
 21 A. Yes.
 22 Q. Did you review any documents to prepare for
 23 your deposition?
 24 A. Yes.
 25 Q. What did you review?

1 A. The papers for copying. That would have been
 2 generally most of them.
 3 Q. And when did you review those documents?
 4 A. In the past two weeks.
 5 Q. Did any of those documents refresh your memory
 6 about the events connected with this lawsuit?
 7 A. Yes, it did some.
 8 Q. Which ones?
 9 A. The portfolio, the -- it was from Lehman
 10 Brothers.
 11 Q. The one we saw that was bound?
 12 A. Yes, yes.
 13 Q. We can identify that later.
 14 A. Prospectus or whatever they call them.
 15 Q. Who are you suing in this action?
 16 A. Adams Golf and named parties, and I'm not sure
 17 who else is involved in the suit.
 18 Q. Do you know any of those named parties? Can
 19 you name any of those named parties?
 20 A. You mean like with Adams Golf or something?
 21 Q. Yes.
 22 A. Yes, Barney Adams.
 23 Q. Any others?
 24 A. No.
 25 Q. Why are you suing my clients?

Page 1.

1 A. I purchased stock at the initial public
 2 offering, and I feel I was misled as to various facts
 3 provided to me, both before and after the purchase.
 4 Q. Which facts do you feel misled you?
 5 A. First, I was to be sold 2,000 shares of stock
 6 at a price that preceded the \$16 IPO rate. Then, I
 7 realized that afterward that a great, great deal of
 8 funds, you know, went directly to other people from the
 9 IPO and that in the gray market area, they call it,
 10 there were -- there was a real overload of product
 11 existent, and because I had gone into great detail that
 12 the product would be sold only through pro shops and --
 13 Q. Pro shops?
 14 A. Yes. Golf pro shops. I'm sorry. And that's
 15 probably about it, I guess.
 16 Q. Are you suing on the basis of these two or
 17 three, however you want to classify them,
 18 representations, on all of these?
 19 A. Yes, in all of them, because I'm sure in some
 20 way, each one has an involvement.
 21 Q. Now, you talked about a gray market overload.
 22 What do you believe that my clients did wrong?
 23 A. I directly was told that, by Mr. Adams, that
 24 one of the secrets to the success of the company would
 25 be the marketing process. Having been in marketing

4 (Pages 10 to 13)

512-320-0185

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1 through my companies, I know that that's very critical
2 to whether you succeed or fail. And supply and demand
3 creates value, and I felt that was a good approach,
4 because it would be sold through either golf
5 professional shops at the golf courses or places that
6 teach like Hank Haney school in Dallas and that the --
7 it would become a high line, not an inexpensive-type
8 golf club that you could purchase, you know, just about
9 anywhere. That was probably, I think, their most --
10 their intent there, was probably the right direction.
11 They just didn't do it.

12 Q. And what evidence do you have to support your
13 belief that they didn't do it?

14 A. Well, number one -- of course, I've read
15 articles regarding the gray market event. They called
16 it gray market. I don't know why that particular term,
17 but it meant sales that were -- that were done that were
18 a lot cheaper than like if I went to the golf pro shop
19 to buy the clubs, I would pay a much higher price than
20 if you went to one of the retail-type stores that were
21 discounted heavily.

22 Also, during that same time, I cannot
23 remember whether I read it or I was told by Barney or
24 who, but I was told that because of the gray market
25 happening, that there were many golf professional shops

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1 that were very disenchanted and were returning their
2 clubs back to Adams Golf and getting -- or requesting
3 their monies back.

4 Q. Do you remember when you read these articles?

5 A. It would have been after the IPO, but not too
6 far after.

7 Q. Did you read any of these articles before the
8 IPO?

9 A. Oh, no, I did not read it before the IPO.

10 Q. Do you know how many defendants there are in
11 this action?

12 A. No, not totally. I know Adams Golf.

13 Q. In 1998, what sort of business was Adams Golf
14 in?

15 A. Barney -- I had toured the factory several
16 times or his plant.

17 THE REPORTER: You had?

18 THE WITNESS: I had toured his plant
19 several times and it was the Tight Lies that were, I
20 think, basically Fairway Woods, and he demonstrated, you
21 know, the -- how you put them together and the various
22 things. That would probably be it.

23 Q. (BY MS. REED) Do you know how -- I guess we've
24 already covered. You know how Adams markets its
25 products. Do you know in 1998 who Adams sold its clubs

Page 16

1 to?

2 A. I couldn't name who they sold it to. It was
3 supposed to be golf pro shops and I know Hank Haney
4 School of Golf had them.

5 Q. Have you ever seen any Adams Golf
6 advertisements?

7 A. Yes.

8 Q. Were these television advertisements?

9 A. I might have seen one television advertisement;
10 otherwise, it would have possibly been something out of
11 a golf magazine.

12 Q. In your interrogatories, you said that you saw
13 ads in the paper for clubs sold at discount or off-price
14 stores; is that right?

15 A. Yes.

16 Q. When did you see these advertisements?

17 A. It would have been after the IPO, but not too
18 much after.

19 Q. When you say not too much after --

20 A. Well, like in months, not years.

21 Q. Do you remember what stores were advertising?

22 A. Would you repeat that?

23 Q. Yeah, let me clarify. Do you remember what
24 stores were advertising the discount on Adams Golf
25 clubs?

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1 A. I think that Cosco was involved in the article.
2 I can't remember the others, no.

3 Q. When did you first learn about the IPO?

4 A. At least a month or two before the IPO.

5 Q. So the IPO is in July. So May time frame?
6 Does that sound right?

7 MS. FOX: I think there's some documents.

8 THE WITNESS: Dates on the documents would
9 have taken it back as far as I have written documents,
10 but I was aware several -- you know, as I say, a couple,
11 three months ago, before.

12 Q. (BY MS. REED) Were you aware before Lehman
13 Brothers sent you those documents?

14 A. Yes.

15 Q. And how were you made aware?

16 A. Barney Adams and Clyde Smith.

17 Q. And who's Clyde Smith?

18 A. A business -- well, a very close friend and a
19 business associate in one instance.

20 Q. And what is his relationship to Adams Golf?

21 A. He was a major backer of Barney Adams in the
22 beginning of his company.

23 Q. A financial backer or just --

24 A. Yes, a financial backer and they were friends,
25 I'm sure.

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1 Q. After learning about the IPO, Adams Golf IPO,
2 did you follow the company?
3 A. Yes.
4 Q. How did you do that?
5 A. Of course, the newspapers. Possibly a
6 conversation with Barney Adams over the telephone and
7 discussions with Mr. and Mrs. Smith.
8 Q. So you -- did you -- you said you saw news
9 articles about Adams Golf?
10 A. Yes.
11 Q. Did you see press releases about Adams Golf?
12 A. There was a press release stating there would
13 be an IPO. Otherwise, it would have been related to the
14 gray market information and that type thing.
15 Q. What was your understanding of the -- withdraw.
16 Who is W.D.C. McKenzie?
17 A. Who is who?
18 Q. W.D.C. McKenzie?
19 A. I don't know.
20 Q. I'm now going to show you what's been marked as
21 Defendant's Exhibit 1. Do you recognize this document?
22 A. I don't know that I've ever seen this.
23 Q. Well, let me represent to you -- just going to
24 identify it for the record. Defendant's Exhibit 1 is
25 Amendment No. 3 to Form S-1 of Adams Golf, Inc., without

1 reading a prospectus?
2 A. Yes.
3 Q. Did you read the prospectus all the way
4 through?
5 A. Yes.
6 Q. What statements in the prospectus do you
7 believe were false or misleading?
8 A. First, the marketing procedure was not
9 followed. Secondly, I believe that most of the funds
10 from the IPO would remain in the company rather than
11 being distributed to partners. And I think the pursuit
12 of quality and advancement of the clubs. I'm sure some
13 was done, but I did not feel at all that it was as
14 timely and certainly not representative of what I felt
15 they were telling me in the prospectus.
16 Q. Specifically looking at the prospectus, can you
17 identify any statement that you believe was false? I
18 understand you've given me three different examples of
19 types of things you believe were false, but do you have
20 any specific statements that were contained -- can you
21 identify any specific statements contained in the
22 prospectus that were -- that you believe were false?
23 MS. FOX: I would object to that. This is
24 a half-inch document. For her to go through to find the
25 statements that are actually in the complaint would be

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Page 21

1 amendments, and it's not Bates stamped. This is the
2 prospectus that Adams Golf submitted to the ICC in
3 connection with this IPO.
4 MS. FOX: It's a copy of the --
5 MS. REED: Yeah, excuse me, it's a copy of
6 the prospectus. In fact, everything I'm using today
7 will be copies. None of them will be originals.
8 THE WITNESS: I received something from
9 Lehman Brothers, but I don't remember anything this
10 thick. I remember more clearly the booklet that's being
11 copied.
12 Q. (BY MS. REED) Okay.
13 A. To the best of my memory, I don't know.
14 MS. FOX: This would have been a copy of
15 two-sided tissue paper. So it probably wouldn't have
16 been this thick, is that right, the original?
17 MS. REED: Probably not.
18 MS. FOX: The original probably would have
19 been in a form of the one that you produced?
20 THE WITNESS: That fits more to my memory,
21 is something around that other size.
22 MS. REED: Okay.
23 MS. FOX: Might have been a little larger
24 than the other one that I brought.
25 Q. (BY MS. REED) Do you have any recollection of

1 ridiculous. I couldn't find them sitting here today.
2 THE WITNESS: I was going to say, I would
3 have to take time to read the entire booklet.
4 Q. (BY MS. REED) Okay. Let's do a timesaver. Do
5 you believe that anything other than what is alleged in
6 the complaint is false and misleading in this
7 prospectus?
8 MS. FOX: Other than what she's already
9 said.
10 THE WITNESS: Again, you know, I'd have to
11 read it.
12 Q. (BY MS. REED) Okay. Maybe on a break, I'd
13 like you to take a look at the prospectus so we can just
14 identify the statements that you believe my clients made
15 that were allegedly false.
16 A. I'd be happy to.
17 Q. Okay. Do you understand the difference between
18 a misrepresentation and an omission?
19 A. Legally, no.
20 Q. Generally, what's your understanding of a
21 misrepresentation versus an omission?
22 A. I would guess a misrepresentation would be to
23 hold forth something you were going to do knowing you
24 weren't going to do it, possibly. And what was the
25 other one?

6 (Pages 18 to 21)

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1 Q. Omission.

2 A. Omission would be the failure to include
3 something.4 Q. And in this case do you believe there were
5 misrepresentations or omissions?6 A. Misrepresentations, primarily. There probably
7 were some omissions as well, but --8 Q. What do you believe that the defendants should
9 have disclosed that they didn't?10 A. I feel that there should have been disclosure
11 of the fact that there were so many clubs that were
12 already on the market that were not revealed to me.
13 They should have revealed -- well, they -- I was told I
14 would be able to buy 2,000 shares of stock at I think it
15 was \$2, because Barney had put me on his preferred list,
16 and that didn't happen. I definitely did not know that
17 the amount of the millions of dollars would go to these
18 named parties immediately at the IPO, or closely to
19 that.20 Q. So you're saying that millions of dollars from
21 the IPO were given directly to the named defendants?22 A. I think the named defendants were given the
23 stock at zero to something, but very low when they
24 joined Barney Adams, and then it was sold very -- not
25 too much thereafter, months probably, rather than years.

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1 at the \$16 value, which would have been millions, yes,
2 to each party or I assume millions to each party. I
3 know so in some cases.4 Q. And this, what you think is an improper
5 distribution of millions of dollars, do you think -- do
6 you include the underwriters in that?7 A. I think the underwriters had to know it. If
8 they didn't know it, I don't think they did their due
9 diligence. Yes, I would think they had to know it.10 Q. Okay. So the underwriters knew about this
11 distribution, but you're not claiming that the
12 underwriters received money that they should not have?

13 A. I have no idea what they received.

14 Q. Okay. All right. Could you turn to Page 24 of
15 Exhibit 1. Now, the numbers are at the very bottom of
16 that, you know, sort of -- not the very bottom, but the
17 middle bottom.18 Now, on this page, if you look at the
19 second block paragraph starting "Innovative marketing
20 model on strong retail" -- third line down, it says,
21 "to preserve the integrity of its image and reputation,
22 the company" --23 A. I'm lost here. Just a minute. Third line down
24 under innovative -- okay, now, I'm with you.

25 Q. "To preserve" -- now, I'm lost. "To preserve

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1 the integrity of its image and reputation, the company
2 currently limits its distribution to retailers that
3 market premium quality golf equipment and provide a high
4 level of customer service and technical expertise." And
5 it continues, "The company currently sells its products
6 to on- and off-course golf shops and selective sporting
7 goods retailers. The company does not sell its products
8 through price sensitive general discount warehouses,
9 department stores or membership clubs." Do you -- do
10 you believe this is a true statement?

11 A. No.

12 Q. Why not?

13 A. First of all, I know they didn't do it. I
14 purchased a set of the clubs for a relative of mine, and
15 took him to the Hank Haney school in Dallas, where they
16 measured, you know, it was supposed to be a custom-type
17 thing, and then I started realizing that -- and I
18 paid -- I don't know what I paid for them, but I know it
19 was a type of service, I think, that was supposed to be
20 existent. Then when all the clubs started showing up
21 everywhere, you know, you take away any type of
22 exclusiveness or this club is -- you know, Tight Lies is
23 the club that everybody would want, because once you can
24 buy it anywhere and at a fraction of the price that
25 you'd buy it, like at Hank Haney school or a pro shop, I

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1 think that removed a lot of the exclusiveness. And
2 someone in the company, in my opinion, I don't think
3 that could happen without knowledge.4 Q. So are you alleging that Adams Golf sold their
5 clubs to these discount warehouses?

6 A. I have no way to know how it happened.

7 Q. Okay. So you're just alleging that the clubs
8 ended up there?9 A. And again, I think somewhere, when you have a
10 company holding out these facts and they're particularly
11 being very proud of the marketing strategy, and there
12 has to somehow be a way that the company had some
13 awareness, in my opinion.14 Q. Do you know specifically who had that
15 understanding?

16 A. I don't understand the question.

17 Q. Let me clarify it. Do you know who at the
18 company knew that these clubs would end up at Cosco?

19 A. I do not.

20 Q. All right. Let me show you what has been
21 marked as Exhibit 2. Do you recognize this document?

22 A. I believe I do.

23 Q. What is it?

24 A. It appears to be an amended class action
25 complaint. So I guess an amended portion of the suit.

7 (Pages 22 to 25)

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1 Q. Okay. Let me identify it for the record. It's
2 the consolidated and amended class action complaint for
3 violation of federal securities laws. It's not Bates
4 stamped, but it's numbered Pages 1 through 25 with three
5 additional pages at the end. Have you -- have you seen
6 this document before?

7 A. I believe I have.

8 Q. When did you first see it?

9 A. I really don't know. It would have been after
10 the initial public offering, I believe, but it may not
11 have been. I guess since the lawsuit. It would have to
12 be after.

13 Q. And I know you don't remember specifically, but
14 do you recall if you saw it years ago or just recently?

15 A. I do not recall. I really don't.

16 Q. Other than today, have you seen this document
17 recently?

18 A. Not in the last week, I would not think. I
19 would have -- I would say it would have been in my past,
20 but I don't know when.

21 Q. Okay. Did you file this complaint against the
22 defendants?

23 A. No.

24 MS. FOX: I object. That's a legal
25 conclusion.

1 complaint?

2 A. No.

3 Q. Did you read this complaint before it was
4 filed?

5 A. Yes. Well, before it was filed --

6 MS. FOX: This is not the original
7 complaint, obviously, that her -- her certification is
8 attached to.

9 THE WITNESS: Right, I read the --

10 MS. FOX: This is a long, a later amended
11 complaint.

12 Q. (BY MS. REED) Which complaint is it your
13 understanding that your certification was attached to?

14 A. The earlier one.

15 Q. An earlier one?

16 A. Yeah, right.

17 Q. Do you know specifically which one?

18 A. No.

19 MS. FOX: It would have been the first
20 complaint that we filed, the first complaint that has
21 her name on it.

22 Q. (BY MS. REED) Okay. Now, before this
23 complaint was filed, did you review it for accuracy?

24 A. This one?

25 Q. Uh-huh.

Page 27

Page 29

1 Q. (BY MS. REED) Well, I'm just asking since
2 you're, you know, a proposed class representative and
3 you're involved in the litigation, is it your
4 understanding that you were part of filing this suit?

5 A. I was willing to be part of the suit, yes.

6 Q. What investigation did you undertake before you
7 filed the consolidated amended complaint, which I'll
8 refer to as the complaint?

9 MS. FOX: I'll object to the form. You
10 know perfectly well that lawyers file amended
11 complaints, plaintiffs don't. She was in Texas. It was
12 filed in Delaware.

13 Q. (BY MS. REED) Okay. I'm not talking about the
14 physical act of filing the complaint, but since you
15 are -- you say that you are part of this. What
16 investigation did you take before you had your lawyers
17 file this complaint?

18 A. Well, I didn't have the lawyers, you know, file
19 the complaint. I -- together, it was a class action
20 suit. So I don't know how they did that, but my
21 investigation would have been knowledge of conversations
22 with Barney Adams and Mr. and Mrs. Smith, and the
23 articles I told you I read about and the consequences of
24 what happened to the stocks' value.

25 Q. Did you help at all in preparing this

1 A. I might have read it, but I didn't spend time
2 studying it.

3 Q. Do you consider yourself a careful person when
4 it comes to reviewing important documents?

5 A. Yes.

6 Q. And is it fair to say that accuracy is
7 important to you when you're reviewing important
8 documents?

9 A. Yes.

10 Q. Other than the three things you mentioned,
11 speaking to Barney Adams and the Smiths and reviewing
12 those articles, did you do anything to satisfy yourself
13 that these allegations were accurate?

14 A. Well, I knew the allegations I just mentioned
15 to you were accurate.

16 Q. But other than those three things, you didn't
17 do anything?

18 A. I didn't go out and research anything, like
19 going to the plant or anything like that, no.

20 Q. If it turned out that the allegations in the
21 complaint weren't accurate, would you be willing to
22 dismiss the complaint?

23 A. I don't think individually I have the power to
24 dismiss the complaint.

25 Q. Would you be willing to dismiss at least your

8 (Pages 26 to 29)

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1 participation in this suit?

2 **A. Well, since I believe they're accurate, I doubt**

3 **that I would, but if it was ruled against or something,**

4 **obviously, it would not be within my power. Did that**

5 **answer --**

6 Q. Uh-huh. You did. Is there anything inaccurate

7 to your knowledge in the complaint?

8 **A. This particular one or the original filing?**

9 Q. Well, let's start with this one and then we'll

10 ask about the original one.

11 **A. All right. I need to read it.**

12 Q. Okay. What about the original filing? Is

13 there anything inaccurate in the original filing?

14 **A. I don't think that I caught anything that was**

15 **inaccurate to my knowledge.**

16 Q. Okay. And when I refer to the original filing,

17 we're talking about the first complaint that was filed

18 in this action; is that right, or is --

19 MS. FOX: I think that her name was on the

20 first one, but it was the first one that her name was on

21 that she would have reviewed.

22 MS. REED: Okay.

23 MS. FOX: There may have been -- I think

24 there were several complaints filed. I'm not sure which

25 one was --

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1 Q. (BY MS. REED) Okay. Did you review -- I

2 guess -- let me ask it is this way: Did you review a

3 complaint before you reviewed this complaint?

4 **A. Well, I reviewed the original lawsuit that was**

5 **filed and my name was on it, yes.**

6 Q. Okay. Now, we've talked about what you believe

7 the defendants did wrong. What is your understanding of

8 what the complaint says the individuals did wrong?

9 **A. Well, I think the -- as I recall, best recall**

10 **in the complaint, I think they mentioned the gray**

11 **market -- the overabundance or supply of clubs on the**

12 **market. I think they mentioned that. They didn't**

13 **mention the part about the company spending -- taking**

14 **out of the IPO such a large amount of monies**

15 **individually, and I think that's part of the problem,**

16 **but that's about it.**

17 Q. Okay. Have you spoken to any -- since the

18 filing of this lawsuit, have you spoken to anyone about

19 Adams Golf?

20 **A. Yes.**

21 Q. Who have you spoken to?

22 MS. FOX: Wait a second. You've got to

23 be -- you can't say what you said to any lawyer. Okay?

24 But you can certainly name who you spoke to, if you

25 remember.

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1 THE WITNESS: Well, of course, I spoke to

2 the attorneys. And I spoke to Mr. and Mrs. Smith.

3 Q. (BY MS. REED) Have you spoken to anyone else?

4 **A. Probably one of my business partners.**

5 Q. Who are your business partners?

6 **A. Well, it depends on what project, but**

7 **primarily, it would have been Ruth Hanks, H-A-N-K-S, or**

8 **Jeanette, J-E-A-N-E-T-T-E, Baker.**

9 Q. Did Ruth Hanks invest in Adams Golf?

10 **A. No.**

11 Q. Did Jeanette Baker invest in Adams Golf?

12 **A. To my knowledge, no.**

13 Q. Have your attorneys spoken to anyone, any third

14 parties -- let me explain what I mean by third parties.

15 Have your attorneys spoken to anyone in investigating

16 this complaint?

17 MS. FOX: I'll object. There's no way she

18 can know who her attorneys spoke to.

19 THE WITNESS: That's right.

20 Q. (BY MS. REED) Have your attorneys told you

21 that they've spoken to third parties in connection with

22 this complaint or in connection with this lawsuit?

23 **A. I'm sure they did, but I don't know that they**

24 **told me, no, they didn't.**

25 Q. I'm going to show you what's been marked

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1 Defendant's Exhibit 3.

2 **A. A shorter one.**

3 Q. Have you seen this document before?

4 **A. I don't recall right off if I have or not.**

5 **Probably I have seen it, yes.**

6 Q. What is it?

7 MS. FOX: Well, that calls for a legal

8 conclusion.

9 Q. (BY MS. REED) I'm not asking for a legal

10 conclusion. I'm just asking for your understanding of

11 what this is.

12 **A. Basically, I would go by what the title says,**

13 **disclosures.**

14 Q. And what are --

15 **A. Disclosures.**

16 Q. What are these disclosures about?

17 **A. Glance on through it. Is it just a group of**

18 **names? No.**

19 MS. FOX: If you're going to answer

20 questions about it, look at it carefully.

21 THE WITNESS: All right. Now, what was

22 the question?

23 MS. REED: Could you read that back?

24 (Requested portion read by reporter)

25 THE WITNESS: I don't know.

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<p style="text-align: right;">Page 46</p> <p>1 A. And where do you find that? I'm looking for</p> <p>2 it.</p> <p>3 Q. I'm just asking you in general.</p> <p>4 A. Oh, representative party?</p> <p>5 Q. Uh-huh.</p> <p>6 A. That I'm willing to represent the class,</p> <p>7 however large it is, and don't mind taking the time to</p> <p>8 appear, like here today.</p> <p>9 Q. Do you know whether you were appointed lead</p> <p>10 plaintiff in this action?</p> <p>11 A. No.</p> <p>12 MS. FOX: You don't know. Calls for a</p> <p>13 legal conclusion.</p> <p>14 THE WITNESS: No, I don't know.</p> <p>15 Q. (BY MS. REED) Do you know anyone who is a lead</p> <p>16 plaintiff in this action?</p> <p>17 A. No, I do -- not to my knowledge.</p> <p>18 Q. Can you name any lead plaintiffs?</p> <p>19 A. No, I couldn't.</p> <p>20 Q. Do you know whether you're seeking to be named</p> <p>21 class representative by the court?</p> <p>22 A. No, I don't know that.</p> <p>23 Q. Could you describe in your own words the class</p> <p>24 who you are -- who you are trying to represent?</p> <p>25 A. Basically, I would gather anyone who invested</p>	<p style="text-align: right;">Page 48</p> <p>1 When did class members purchase their</p> <p>2 stock?</p> <p>3 A. I think at the initial public offering or some</p> <p>4 amount of days thereafter. I don't recall how many</p> <p>5 amount of days were involved.</p> <p>6 Q. And why do you think it's some days thereafter?</p> <p>7 A. Because I think I saw that in the lawsuit.</p> <p>8 Q. Why are you seeking to serve as a class</p> <p>9 representative?</p> <p>10 A. Well, I began -- I was very poor when I grew</p> <p>11 up, and as I went into business, it was, of course,</p> <p>12 without being a very wealthy person by any means, and I</p> <p>13 think there are a lot of people out there who lost money</p> <p>14 that need to be represented by somebody for recovery, if</p> <p>15 that's the way the court rules.</p> <p>16 Q. When did the proposed class period begin?</p> <p>17 A. I don't know.</p> <p>18 Q. When does it end?</p> <p>19 A. I assume -- I don't know.</p> <p>20 Q. Do you think your claims are typical of the</p> <p>21 class of plaintiffs you represent?</p> <p>22 A. I believe so --</p> <p>23 MS. FOX: Object to the --</p> <p>24 THE WITNESS: Oh, excuse me.</p> <p>25 Q. (BY MS. REED) Do you know how many proposed</p>
<p style="text-align: right;">Page 47</p> <p>1 at the initial public offering that is in the lawsuit.</p> <p>2 Q. When you say, "that is in the lawsuit," what do</p> <p>3 you mean?</p> <p>4 A. Named parties. And then those that are not</p> <p>5 named, but did purchase.</p> <p>6 Q. Did you -- are there any geographic limitations</p> <p>7 to the class?</p> <p>8 A. I don't know.</p> <p>9 Q. How many members are in the class?</p> <p>10 A. I don't know.</p> <p>11 Q. Have you investigated that at all?</p> <p>12 A. No.</p> <p>13 Q. Is there more than one class?</p> <p>14 A. More than one class?</p> <p>15 Q. Yes.</p> <p>16 A. You mean more than one other person?</p> <p>17 Q. No. Is there more than one class?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you know if any of the other class members</p> <p>20 bought Adams Golf stock?</p> <p>21 MS. FOX: She just defined the class as</p> <p>22 people that bought Adams stock. So that's sort of a</p> <p>23 trick question, and it's unnecessary.</p> <p>24 Q. (BY MS. REED) Well, I'm really not trying to</p> <p>25 trick you, I promise.</p>	<p style="text-align: right;">Page 49</p> <p>1 class representatives there are?</p> <p>2 A. No.</p> <p>3 MS. FOX: She's asked and answered.</p> <p>4 MS. REED: I asked about lead plaintiff.</p> <p>5 I didn't ask about class reps.</p> <p>6 MS. FOX: Number of members, not known,</p> <p>7 why not.</p> <p>8 Q. (BY MS. REED) Right. I'm asking about do you</p> <p>9 know how many proposed class representatives there are?</p> <p>10 A. No.</p> <p>11 Q. Okay. Did you know that Federated National</p> <p>12 Insurance Company withdrew as a proposed class</p> <p>13 representative?</p> <p>14 A. Yes.</p> <p>15 Q. Why did they withdraw?</p> <p>16 A. I don't know.</p> <p>17 Q. How do you know that they withdrew?</p> <p>18 A. Ms. Fox and I discussed it last night.</p> <p>19 Q. Have you ever met with any of the other</p> <p>20 proposed class representatives?</p> <p>21 A. No.</p> <p>22 Q. Have you ever discussed the case with any of</p> <p>23 them?</p> <p>24 A. No.</p> <p>25 Q. Have you ever communicated to them in any way</p>

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<p style="text-align: right;">Page 54</p> <p>1 Q. Do you have a fee agreement with your 2 attorneys? 3 A. No. 4 Q. Do you have any understanding of how your 5 attorneys will be paid? 6 A. I would assume from the proceeds of any award 7 the court makes. 8 Q. Now, you say you assume that. You don't know 9 for sure? 10 A. Well, basically, as I would say, no one has 11 said I will get my money from this source, but I know 12 enough to know that, yes, attorneys are paid out of the 13 proceeds. 14 Q. You don't think we work for free? 15 A. Somehow, I don't -- the ones I have don't. 16 Q. Do you know how much your attorneys bill per 17 hour? 18 A. I do not. 19 Q. And I'm going to assume based on your previous 20 answers that you didn't take competitive bids from any 21 other attorneys? 22 A. No. 23 Q. How often do you speak with the attorneys about 24 this lawsuit? 25 A. I probably have had four or five conversations</p>	<p style="text-align: right;">Page 56</p> <p>1 with your attorneys? 2 A. The word settlement was mentioned, yes, in a 3 letter, I think. 4 Q. Do you know whether a settlement offer has been 5 made? 6 A. No. 7 Q. Who do you believe is responsible for actively 8 managing and controlling the litigation? 9 A. The attorneys. 10 Q. Have you had, other than Berger & Montague, 11 have you had contact with other attorneys regarding 12 Adams Golf? 13 A. No. 14 THE REPORTER: Are you shaking your head? 15 THE WITNESS: No. I'm just kind of going 16 from side to side. 17 THE REPORTER: I didn't hear an answer. 18 MS. REED: She said no. 19 Q. (BY MS. REED) Now, you mentioned that you -- 20 if you had to fly to Delaware that your attorneys would 21 reimburse you? 22 A. That's my understanding. 23 Q. Your understanding. Would they reimburse you 24 regardless of the outcome of the lawsuit? 25 A. Yes, that's my understanding.</p>
<p style="text-align: right;">Page 55</p> <p>1 total. 2 Q. How many of those conversations have been in 3 the past year? 4 A. Well, probably all -- most all of them. Some 5 might have been, you know, nearer the time of the 6 filing, whenever that was. 7 Q. Do you know how many motions your counsel have 8 filed in this case? 9 A. No. 10 Q. Who makes the strategy calls in the case? 11 A. I would assume the attorneys. 12 Q. But not you? 13 A. No. 14 Q. Now, if you disagreed with your attorney's 15 decision about how to handle some aspect of the case, 16 what would you do? 17 A. I would defer to the attorney. 18 Q. Have you discussed the strengths and the 19 weaknesses of your case with your attorneys? 20 A. I don't know that we discussed it in that form, 21 no. 22 Q. You say not in that form. Have you discussed 23 it in some other form? 24 A. Just conversations about the lawsuit. 25 Q. Have you discussed the prospects of settlement</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. What understanding do you have as to costs you 2 might have to pay? 3 A. That I don't pay any costs. 4 Q. Do you have any knowledge of what costs are 5 involved in the litigation? 6 A. No. 7 Q. Do you know the magnitude of costs of this 8 litigation? 9 A. No. 10 Q. What steps, if any, have you taken to manage 11 the costs incurred in this lawsuit? 12 A. None. 13 Q. Have you ever reviewed monthly time and expense 14 reports prepared by your counsel? 15 A. No. 16 MS. FOX: Well, I'll object to the form. 17 Q. (BY MS. REED) Do you know whether defendants 18 could seek to recover costs of the lawsuit from you 19 alone if they win? 20 A. They don't -- 21 MS. FOX: Wait. That calls for a legal 22 conclusion. That's not fair. 23 MS. REED: Well, I'm just asking for her 24 understanding of cost structure in a lawsuit. I'm not 25 asking for --</p>

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1 Q. (BY MS. REED) I'm not going to bind you to
2 whatever you say in terms of, "Well, she said she'd pay
3 us."

4 A. No, I don't know.

5 Q. If the plaintiffs lose in this case, would you
6 be able to pay plaintiffs' costs?

7 MS. FOX: I'll object to the form. Under
8 the Delaware law, we're allowed to have a contract with
9 her that is completely contingent, and that's what we
10 have.

11 Q. (BY MS. REED) If the plaintiffs lose, would
12 you be able to pay defendant's costs?

13 A. No.

14 Q. What financial resources do you have available
15 if you were ordered to pay costs?

16 MS. FOX: I object to the form. You
17 haven't made any -- there's no possible law that says
18 that she would personally have to pay.

19 Q. (BY MS. REED) Did you review the court's order
20 on the Defendant's Motion to Dismiss?

21 A. I think I did.

22 Q. Do you know what parts of plaintiffs' complaint
23 the court dismissed?

24 A. The best I remember, there were two causes of
25 action possibly. I think they kept the gray market.

1 your attorney sends you different things, right? And
2 different papers, like the initial disclosures, and the
3 complaint. Did they send you anything having to do with
4 a motion to dismiss?

5 A. I can't recall that, specifically.

6 Q. Okay. We have been going for about an hour and
7 a half. Do you want to take a break?

8 A. No, we can move right along.

9 Q. You want to keep going?

10 A. Uh-huh.

11 Q. All right. I think we'll be done -- just so
12 you know. I think we'll be done.

13 Let's look back at Exhibit 4, a
14 certification. You mentioned that this was accurate as
15 to the shares purchased, but not as to the shares sold;
16 is that right?

17 A. That's -- it's just omitted.

18 Q. Right, right. I actually need to take a break
19 so I can look at the documents. Just so -- I think
20 it'll just go faster.

21 MS. FOX: Do we have those others back?

22 MS. REED: We do. Actually I need a
23 break.

24 (Recess taken 11:26 a.m. - 11:47 a.m.)

25 MS. REED: Back on the record.

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1 Q. And when you say "they," meaning --

2 A. The courts. The courts.

3 Q. Are you aware of any appeal from the district
4 court's order?

5 A. Yes, there was an appeal.

6 Q. Why did it take plaintiff so long to appeal
7 from the district court's order?

8 MS. FOX: Object. I don't know what
9 you're talking about.

10 MS. REED: Okay.

11 MS. FOX: I mean, how could she possibly
12 know that there's a 30-day --

13 MS. REED: No, no, okay.

14 MS. FOX: I mean, if you're going to
15 appeal, it's got to be in 30 days. That's under the
16 rules, but that's not something she knows.

17 MS. REED: I'm just talking about from the
18 order.

19 Q. (BY MS. REED) Are you aware of any -- of any
20 gap in time between the order on the motion to dismiss
21 and the final judgment?

22 MS. FOX: I object to it. She doesn't
23 even know what a motion to dismiss is. I mean, that's
24 just not part of what she has to know.

25 Q. (BY MS. REED) Okay. All right. Well, you say

1 Q. (BY MS. REED) All right. I've reviewed the
2 documents that you gave to me. So thank you very much
3 And we'll get to those probably in a little bit. But
4 that's what took so long on the break.

5 Let me show you what we have marked as
6 Exhibit 5. Have you ever seen this document before?

7 A. Yes, I think I have.

8 Q. What is it?

9 A. Well, it's a request to produce documents, as
10 best I see.

11 Q. And have you produced documents in response to
12 this?

13 A. Yes.

14 Q. And then you brought those additional
15 responsive documents with you today?

16 A. Yes.

17 Q. Do you have any other documents that are
18 responsive to this request?

19 A. Not that I'm aware of, but as I say, I've moved
20 offices at least three times since this, and I'm
21 continuing to see if there's anything I can find.

22 Q. What did you do to gather responsive documents?

23 A. Went through files.

24 Q. Did you do a complete search of all your files
25 to see if you had any documents?

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1 A. As far as I know. I have warehouses yet to --
 2 you know, self-storage units that I might still glance
 3 in, but I think I have them all here.
 4 Q. So you've searched your office files, but
 5 haven't searched your self-storage unit files?
 6 A. The only place would be one of the storage
 7 units. I have searched everywhere else.
 8 Q. Did you search for any files on your computer?
 9 A. I don't know how to turn on my computer. I
 10 have a nice one, though. I can't turn it on.
 11 Q. Then there's probably not files there.
 12 A. No.
 13 Q. Did you contact anyone about obtaining
 14 responsive documents? So, for example, did you contact
 15 your broker to obtain responsive --
 16 A. No, I think I already had those, like when I
 17 sold the stock and stuff.
 18 Q. Would anyone else have documents responsive to
 19 this request, like a family member?
 20 A. No.
 21 Q. Do you keep a file of documents related to the
 22 lawsuit?
 23 A. I have so far come upon three different little
 24 files. So -- that I put it in a folder and put Adams
 25 Golf on it, there probably are two or three.

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1 Q. And what documents do you keep in that file?
 2 A. Things like this, and the stock information as
 3 well.
 4 Q. And when you say "like this," you were
 5 referring to Exhibit 5?
 6 A. Yes, and the --
 7 Q. And I don't think I identified it for the
 8 record. Exhibit 5 is defendant Adams Golf's first
 9 request for the production of documents and things from
 10 proposed class representatives, Federated National
 11 Insurance Company, John Morrash, Todd Tonore, F. Kenneth
 12 Shockley and Patricia Craus, there are Bates numbers for
 13 that. I guess it's Pages 1 through 8, and an additional
 14 page on the end with the style.
 15 Let me show you what we have marked as
 16 Exhibit 6. Do you recognize this document?
 17 A. Yes.
 18 Q. And what is that?
 19 A. It's Responses and Objections of Patricia Craus
 20 to Defendant Adams Golf, Inc.'s First Request For
 21 Production of Documents and Things, From Proposed Class
 22 Representatives, Federated National Insurance Company,
 23 John Morrash, Todd Tonore, F. Kenneth Shockley and
 24 Patricia Craus.
 25 Q. Thank you. When did you first see this

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1 document?
 2 A. I don't know when as far as date is concerned.
 3 Let me see if it has a date on it. I couldn't tell you
 4 exactly when.
 5 Q. Okay. Did you review this document before --
 6 MS. FOX: Wait a second. It's missing
 7 page 8.
 8 MS. REED: Oh, it is?
 9 THE WITNESS: Yeah, mine is too.
 10 Q. (BY MS. REED) Page 8 is -- let me --
 11 MS. FOX: It's where the signature was.
 12 MS. REED: Let me tear out my page 8 so
 13 you have a complete set.
 14 MS. FOX: I thought there was a place that
 15 says -- it shows a place for her to sign.
 16 MS. REED: I don't think so. This is --
 17 I'm pretty sure mine's complete, because that was page
 18 8, and then Page 9.
 19 Q. (BY MS. REED) And so it's dated February 11th,
 20 2005. Did you see this document before --
 21 MS. FOX: No, wait. This is page 8 of the
 22 document --
 23 THE WITNESS: Yeah, she handed it to you.
 24 MS. FOX: Request for production. And
 25 we're looking at the interrogatories, aren't we?

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1 MS. REED: No. We should be looking at
 2 the request for production.
 3 MS. FOX: We were looking at the
 4 responses -- oh, okay. Okay. Sorry.
 5 MS. REED: That's okay. I'm sorry that it
 6 somehow didn't get copied.
 7 Q. (BY MS. REED) Did you see this document before
 8 February 11th, 2005?
 9 A. No, I don't think so, since that's the date on
 10 it, it would have had to have been mailed to me.
 11 Q. Did you see a draft of this document before
 12 February 11th, 2005?
 13 A. No.
 14 Q. Have you ever seen drafts of documents filed by
 15 your attorneys?
 16 A. Yes.
 17 Q. Which documents have you seen drafts of?
 18 A. The ones -- some of these that have been
 19 produced today in the -- the ones we discussed earlier,
 20 that -- something about the appeal and -- different
 21 documents. I don't have their names.
 22 Q. Okay. Now, on Page 4 of Exhibit 5 -- or
 23 Exhibit 6. I apologize. Your responses, it says under
 24 the heading, Objection to Relevant Time Period. It says
 25 "Documents" --

17 (Pages 62 to 65)

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1 settlement of the total.

2 Q. What do you hope to accomplish as a result of
3 the lawsuit for yourself?4 A. Well, hopefully, some financial recovery. I
5 think additionally, my concerns for the general class
6 of -- because I think investments are made on all levels
7 and where it hurts people that couldn't have afforded to
8 be hurt.

9 Q. What do you claim are your individual damages?

10 A. Well, financially, it would be listed on that
11 Exhibit 13, you know, where I -- where I lined them up
12 there. That would -- if you figured them up, that would
13 show you the financial damage.14 Q. Okay. So you're saying what you bought it at
15 minus what you sold it at?

16 A. Right.

17 Q. What do you claim are the total damages for the
18 class?

19 A. I don't know.

20 Q. Do you believe you're entitled to anything more
21 than other class members as a percentage basis?

22 A. No, I don't.

23 Q. And do you have any agreement in place that
24 would compensate you any additional amount?

25 A. No.

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1 Q. All right. We are so almost done. I'm going
2 to ask you a bunch of questions that I just have to.3 Have you -- you mentioned earlier that
4 your company was a party to other civil litigation, land
5 development cases?

6 A. There were some lawsuits.

7 Q. Other than those, have you been a party to any
8 other civil litigation -- oh, and the American Airlines.
9 I'm sorry. So other than the land development and the
10 American Airlines, any other civil litigation?

11 A. No.

12 Q. Have you ever had a judgment levied against
13 you?

14 A. No.

15 Q. Have you ever been tried for a crime?

16 A. No.

17 Q. Have you ever been terminated from a job for
18 dishonesty or embezzlement?

19 A. No.

20 Q. Have you ever been a witness at a trial?

21 A. No, I don't think so. Witness?

22 MS. FOX: That would mean like there was a
23 judge or a jury and you went to the courthouse, and you
24 testified.

25 THE WITNESS: Related only to my

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1 businesses.

2 Q. (BY MS. REED) Okay. Have you ever been held
3 in contempt of court?

4 A. No.

5 Q. Have you ever filed for bankruptcy?

6 A. No.

7 Q. Have you ever become insolvent?

8 A. No.

9 Q. Do you have any personal family or business
10 relationship with your attorneys apart from your
11 relationship in this suit?

12 A. No.

13 Q. And do any of your friends have any personal
14 relationship with the attorneys other than your
15 relationship -- I guess -- wait. Let me withdraw that.16 Do any of your friends have a personal
17 relationship with your attorneys?

18 A. Not that I'm aware of.

19 Q. Now, you mentioned when -- that you received a
20 letter from Todd Collins?

21 A. Yes.

22 Q. Was that your first communication with Berger &
23 Montague?24 A. I don't -- I kind of think somehow I was made
25 aware of the class action, and I don't know -- I

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1 probably called that law firm. I think there was
2 several law firms in the article, and I don't know why
3 selected that law firm, but that would be my -- I
4 probably called Mr. Collins, more than likely.5 Q. I forgot one more exhibit. Exhibit 12. Have
6 you seen this before?7 A. I'm not sure, but the latter part about the
8 Collins, Mr. Collins in that firm, I had learned.9 Q. Okay. Let me -- sorry. Let me identify it for
10 the record. Exhibit 12 is the Memorandum of Law in
11 Support of Plaintiffs Submission For Class
12 Certification. Do you know when this was filed?13 A. No, it's dated November the 12th, 2004, but I
14 wouldn't know.

15 Q. Did you review it before it was filed?

16 A. I probably did, I guess.

17 Q. Do you know if you did?

18 A. No, I don't know positively.

19 Q. Okay. And did you make any revisions to it?

20 A. No.

21 Q. All right. I think that's all I have for now.

22 The only thing, I forgot to remind you to check on your
23 break. I don't know if you did. Did you check on your
24 break?

25 A. What were the questions?

24 (Pages 90 to 93)

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EXHIBIT B

KENNETH SHOCKLEY

2/24/2005 IN RE: ADAMS GOLF, INC., SECURITIES LITIGATION

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2
3 FOR THE DISTRICT OF DELAWARE

4 IN RE: ADAMS GOLF, CIVIL ACTION NO. 99-371-KAJ
5 INC.,

6 SECURITIES LITIGATION (CONSOLIDATED)
7
8
9
10

11 Oral deposition of FLOYD
12 KENNETH SHOCKLEY, D.O., taken at the law
13 offices of BERGER & MONTAGUE, P.C., 1622
14 Locust Street, Philadelphia,
15 Pennsylvania, on Friday, February 25,
16 2005, at 10:42 a.m., before Rosemary
17 Locklear, Registered Professional
18 Reporter, Certified Shorthand Reporter
19 (NJ), Certified Realtime Reporter and
20 Notary Public, pursuant to notice.
21
22
23
24
25

KENNETH SCHOCKLEY

2/24/2005 IN RE: ADAMS GOLF, INC., SECURITIES LITIGATION

Page 10

1 **shore with me this morning, yes.**
 2 Q. Okay. When you were in your
 3 college education, did you take any sort
 4 of finance, accounting, business
 5 courses?
 6 A. No.
 7 Q. Did you take any postgraduate
 8 courses or seminars -- I'm sorry,
 9 postgraduating from college, courses or
 10 seminars on business, accounting,
 11 finance, that sort of thing?
 12 MR. COLLINS: Vague and
 13 ambiguous.
 14 Go ahead.
 15 THE WITNESS: The only thing
 16 I did during the years that I was in
 17 practice is I'd take courses in medical
 18 business as far as running your office
 19 practice.
 20 BY MS. MORIATY:
 21 Q. Did any of that cover investing --
 22 A. No.
 23 Q. -- or accounting?
 24 A. No.
 25 MR. COLLINS: Forgive me.

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1 You've got to let her finish
 2 asking before you answer.
 3 BY MS. MORIATY:
 4 Q. I suppose your professional
 5 societies are covered in the CV; is that
 6 correct?
 7 A. Yes.
 8 MR. COLLINS: Obviously, as
 9 of the time the CV was prepared.
 10 MS. MORIATY: Right.
 11 BY MS. MORIATY:
 12 Q. Are there any additional
 13 professional societies that you've
 14 joined since the CV was prepared?
 15 A. **I have less of them now that I'm**
 16 **retired.**
 17 Q. Okay. Let's see. All right. I'm
 18 going to turn over to the preparation
 19 you did for this deposition. When did
 20 you learn you were going to have to give
 21 this deposition in this litigation?
 22 MR. COLLINS: Vague and
 23 ambiguous.
 24 THE WITNESS: Several weeks
 25 ago, I guess. I was in Florida on jury

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1 duty and they were trying to pick a date
 2 and I didn't know what I was going to be
 3 required to do with the jury duty. So
 4 they were waiting for me to get finished
 5 that to make this date.
 6 BY MS. MORIATY:
 7 Q. And who told you that you were
 8 going to give this deposition?
 9 MR. COLLINS: I'm sorry.
 10 Please answer the question, but never
 11 say what a lawyer said to you or you
 12 said to a lawyer, please. Go ahead.
 13 BY MS. MORIATY:
 14 Q. You can identify who told you.
 15 A. **Mr. Sanders.**
 16 Q. Thank you.
 17 With whom did you meet to
 18 personally prepare -- whom did you meet
 19 with personally to prepare for the
 20 deposition?
 21 A. **This morning I met with**
 22 **Mr. Collins.**
 23 Q. Was it just this morning or were
 24 there any other meetings?
 25 MR. COLLINS: Vague and

Page 13

1 ambiguous.
 2 Go ahead.
 3 THE WITNESS: First meeting
 4 I -- was this morning.
 5 BY MS. MORIATY:
 6 Q. Have you communicated with anyone
 7 else other than your attorneys in
 8 preparation for the deposition?
 9 A. No.
 10 Q. Did you review any documents in
 11 preparation for the deposition?
 12 A. **This morning we went over**
 13 **documents, some documents.**
 14 Q. Did any of those refresh your
 15 recollection of any of the things that
 16 were involved in this case?
 17 MR. COLLINS: Overbroad.
 18 THE WITNESS: Sort of all
 19 Greek and Latin to me.
 20 BY MS. MORIATY:
 21 Q. Were there any specific documents
 22 you recall that you viewed that
 23 refreshed your recollection in any way?
 24 MR. COLLINS: Overbroad.
 25 THE WITNESS: I remember

4 (Pages 10 to 13)

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2/24/2005 IN RE: ADAMS GOLF, INC., SECURITIES LITIGATION

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1 seeing the documents before. But when
 2 does this go back to, 1998?
 3 BY MS. MORIATY:
 4 Q. Right.
 5 A. **I have trouble remembering what I**
 6 **did six months ago.**
 7 Q. So there weren't any -- are you
 8 saying that there weren't any specific
 9 documents that you --
 10 A. **No surprises.**
 11 Q. -- specifically recall?
 12 MR. COLLINS: Excuse me.
 13 Excuse me.
 14 I think I object to your
 15 question, but I didn't hear it all. But
 16 go ahead.
 17 BY MS. MORIATY:
 18 Q. Then there were not any specific
 19 documents that you viewed that refreshed
 20 your recollection specifically?
 21 MR. COLLINS: Vague,
 22 overbroad, ambiguous, asked and
 23 answered.
 24 THE WITNESS: Explain that to
 25 me. I don't -- what do you mean that

1 Q. What evidence do you have to
 2 support that belief?
 3 MR. COLLINS: Excuse me.
 4 Wait a minute.
 5 Evidence is a legal term. To
 6 avoid an objection, do you want to put
 7 it into --
 8 BY MS. MORIATY:
 9 Q. What facts can you as a layperson
 10 point to to substantiate that belief?
 11 MR. COLLINS: Go ahead.
 12 THE WITNESS: At the time I
 13 remember reading the prospectus, I was
 14 told that it was an IPO, it was a well-
 15 run company and that I ought to invest
 16 in it. From my stockbroker, who was a
 17 golf pro or semi golf pro. I don't know
 18 a thing about golf. I thought it was a
 19 good deal.
 20 BY MS. MORIATY:
 21 Q. So you read the prospectus and you
 22 talked to the golf pro? Were there any
 23 other --
 24 A. **No. He was a stockbroker.**
 25 Q. Okay.

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Page 17

1 they were --
 2 MS. MORIATY: We'll just move
 3 on.
 4 BY MS. MORIATY:
 5 Q. I'm just going to talk through
 6 your sort of basic understanding of this
 7 lawsuit, from your layperson's
 8 perspective now.
 9 A. **Thank you.**
 10 Q. Who are you suing in this action?
 11 A. **I'm suing Adams Golf and**
 12 **underwriters.**
 13 Q. Why are you suing those
 14 defendants?
 15 A. **Because at the time I was angry.**
 16 Q. What do you believe they did
 17 wrong?
 18 A. **I think the principals of the**
 19 **company, the directors, officers,**
 20 **whatever you want to call them, made**
 21 **millions of dollars under false**
 22 **pretenses, didn't give out all the facts**
 23 **and the little guy like me and other**
 24 **people got, excuse the expression,**
 25 **screwed.**

1 A. **He knew golf.**
 2 Q. Can you give me the name -- the
 3 people who you have sued in this suit
 4 that we went over earlier, can you name
 5 the individual defendants in the
 6 lawsuit?
 7 MR. COLLINS: You mean give
 8 their names as opposed to describing who
 9 they are or what positions they held?
 10 MS. MORIATY: Either way.
 11 THE WITNESS: No. I'd have
 12 to look at the document of who they
 13 are. I referred that to my attorney
 14 when I went to him.
 15 BY MS. MORIATY:
 16 Q. Could you give me their sort of
 17 titles and responsibilities?
 18 MR. COLLINS: Vague and
 19 ambiguous.
 20 THE WITNESS: I thought they
 21 were directors or officers of the
 22 club -- of the club, of the business.
 23 BY MS. MORIATY:
 24 Q. Do you know how many defendants
 25 there are?

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2/24/2005 IN RE: ADAMS GOLF, INC., SECURITIES LITIGATION

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1 MR. COLLINS: You mean
2 individual defendants or total
3 defendants?
4 MS. MORIATY: In total.
5 THE WITNESS: No.
6 BY MS. MORIATY:
7 Q. In 1998, do you know what sort of
8 business Adams Golf was in?
9 **A. Making golf clubs.**
10 Q. Do you know what sort of products
11 Adams Golf sold?
12 MR. COLLINS: Asked and
13 answered.
14 THE WITNESS: Golf products.
15 BY MS. MORIATY:
16 Q. Do you know how Adams Golf markets
17 or marketed in 1998 its products?
18 **A. Well, if I remember correctly, in**
19 **the prospectus before the big shots sold**
20 **out, the marketing was a little**
21 **different than what it came out with the**
22 **bad report afterwards.**
23 Q. In what way?
24 **A. Costcos, selling their clubs**
25 **through Costcos instead of pro shops.**

1 they -- they cheapened their product by
2 what they did.
3 BY MS. MORIATY:
4 Q. Have you seen any Adams Golf --
5 well, let me ask a more specific
6 question. In 1998, do you know who
7 Adams Golf was selling its clubs to
8 directly?
9 **A. I thought to pro shops.**
10 Q. Have you seen any Adams Golf
11 advertisements?
12 **A. Me?**
13 Q. Yes.
14 **A. I wouldn't know a golf magazine if**
15 **I saw one.**
16 Q. When did you first learn about the
17 IPO?
18 **A. Back then I guess the stockbroker**
19 **mentioned it to me and told me it was**
20 **good, this and that, we went into it.**
21 Q. So a couple of months before, a
22 week before?
23 **A. No, I don't remember.**
24 Q. Okay. After learning about the
25 IPO, did you start following the

Page 19

Page 21

1 Q. Is it your belief that Adams Golf
2 was selling directly to Costco?
3 **A. I -- I -- I don't think that you**
4 **have a specialty item and they don't**
5 **mention that fact, I think that that's**
6 **misleading.**
7 Q. So --
8 **A. And for everybody to sell out**
9 **before the bad report came out, somebody**
10 **knew something.**
11 Q. So Adams Golf's marketing policy
12 involved selling directly to Costco.
13 MR. COLLINS: Asked and
14 answered, mischaracterizes his
15 testimony.
16 BY MS. MORIATY:
17 Q. Do you agree?
18 MR. COLLINS: You mean
19 whether it mischaracterizes his
20 testimony?
21 It's asked and answered. Go
22 ahead.
23 MS. MORIATY: He can still
24 answer it, though.
25 THE WITNESS: I agree that

1 company?
2 **A. Well, I read the prospectus at the**
3 **time, yeah. After -- you get that right**
4 **afterwards or whatever.**
5 Q. Did you follow press releases from
6 the company?
7 **A. I don't think so.**
8 Q. Do you know who Barney Adams is?
9 **A. Must have something to do with**
10 **Adams Golf.**
11 Q. Do you have any --
12 **A. How much money did he make?**
13 Q. Do you have any assertion of what
14 you might believe Barney Adams did
15 wrong?
16 MR. COLLINS: Asked and
17 answered.
18 You mean Barney Adams as
19 opposed to all the other defendants as
20 to which he's given full and complete
21 answers already?
22 MS. MORIATY: Right. Barney
23 Adams.
24 THE WITNESS: No. I didn't.
25 All I want to know is what he made.

6 (Pages 18 to 21)

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1 you.
 2 BY MS. MORIATY:
 3 Q. Did you contact someone about
 4 becoming involved in this lawsuit?
 5 A. My attorney.
 6 MR. COLLINS: No.
 7 BY MS. MORIATY:
 8 Q. You went to the attorney.
 9 A. Yeah.
 10 Q. They did not contact you
 11 initially.
 12 A. No.
 13 Q. Okay. Do you know who first filed
 14 a lawsuit against Adams Golf?
 15 MR. COLLINS: Could you tease
 16 that question out a little?
 17 BY MS. MORIATY:
 18 Q. Either a named plaintiff or a law
 19 firm.
 20 A. I'd have to ask my attorney.
 21 Q. Do you know when the initial
 22 lawsuit was filed?
 23 A. I'd have to ask my attorney.
 24 Q. Are you aware that several suits
 25 against Adams Golf were filed initially

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1 and that they were later consolidated
 2 into a single case?
 3 MR. COLLINS: Foundation.
 4 Go ahead.
 5 THE WITNESS: I don't think I
 6 know that.
 7 BY MS. MORIATY:
 8 Q. Was your name on any of those
 9 initial lawsuits?
 10 MR. COLLINS: Asked and
 11 answered.
 12 THE WITNESS: If I could see
 13 the documents, I could answer it for
 14 you.
 15 BY MS. MORIATY:
 16 Q. Do you know whose idea it was to
 17 file the initial lawsuit?
 18 MR. COLLINS: Asked and
 19 answered.
 20 THE WITNESS: I thought I
 21 said that I discussed this with people
 22 and with my attorney and they thought we
 23 ought to file a suit.
 24 BY MS. MORIATY:
 25 Q. So it was your idea.

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1 A. I had a lot to do with it, yes. I
 2 thought we established that I was angry
 3 and that's what I wanted to do.
 4 Q. Was it also your idea to file a
 5 class action?
 6 A. If that's the legal term for it,
 7 yes.
 8 Q. To involve everybody like you.
 9 A. Well, I think the other small
 10 peons deserve to get their money back if
 11 the other guys made millions.
 12 Q. Did you --
 13 A. And part of those people were
 14 people in my office that bought the
 15 stock because I did.
 16 Q. Did you believe that --
 17 A. Made about \$25,000 a year. That
 18 was their salary.
 19 Q. I'm sorry. I didn't mean to
 20 interrupt.
 21 Do you believe that you had
 22 any obligation as the person initially
 23 involved in this suit to investigate the
 24 facts alleged in the Complaint?
 25 MR. COLLINS: Wait a minute.

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1 Could we hear that one back.
 2 (The court reporter read back
 3 the following:
 4 "QUESTION: I'm sorry. I
 5 didn't mean to interrupt.
 6 "Do you believe that you had
 7 any obligation as the person initially
 8 involved in this suit to investigate the
 9 facts alleged in the Complaint?")
 10 MR. COLLINS: Are you asking
 11 whether apart from the investigation and
 12 analysis he already described and apart
 13 from the investigation of his attorneys,
 14 is that your question?
 15 MS. MORIATY: I'm asking how
 16 he felt. Whether he felt he had an
 17 obligation as a named person, as a
 18 person whose name was on the suit, to
 19 investigate the claims involved in the
 20 suit.
 21 MR. COLLINS: Well, it's
 22 vague and ambiguous and apparently
 23 counsel refuses to clear it up, which is
 24 your choice. In addition to that, by
 25 obligation I presume you are asking for

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1 MR. COLLINS: You've got the
2 same thing over and over again.
3 Go ahead.
4 MS. MORIATY: Sorry.
5 BY MS. MORIATY:
6 Q. Do you know what that is?
7 A. Yes.
8 Q. What is it?
9 A. It's the stocks that I bought and
10 sold.
11 Q. Is it accurate?
12 A. I actually went and looked up the
13 slips the other day and sent them. Yes.
14 Q. For the record, this is the
15 Witness's Certification Of Investor.
16 What is your understanding of
17 what the term representative party
18 means?
19 A. Representative party.
20 MR. COLLINS: Is --
21 THE WITNESS: Can you
22 elaborate on that a little bit?
23 MR. COLLINS: Are you
24 referring to the representative party as
25 used in Paragraph 3?

1 Q. Do you know who the other lead
2 plaintiffs are?
3 A. I imagine I can read some document
4 of who they are.
5 Q. Do you know whether you were
6 seeking to be named a class
7 representative by the Court?
8 A. No, I don't.
9 Q. Describe in your own words, if you
10 would, who the class is that you were
11 trying to represent.
12 A. I guess you didn't understand what
13 I just said. The investors who lost
14 money.
15 Q. From the purchase of --
16 A. The IPO.
17 Q. Why are you seeking to serve as
18 class representative?
19 A. In like 15 minutes. Because I
20 got -- excuse me. Because I got angry
21 that it was a bait and switch, it was a
22 scam that a lot of people made a lot of
23 money because of insider knowledge. And
24 I was tired of being pushed around.
25 I don't expect to make money

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1 MS. MORIATY: I'm just
2 referring to his understanding of the
3 words. He doesn't --
4 MR. COLLINS: Oh, come on.
5 MS. MORIATY: It doesn't have
6 to be used in any fashion.
7 THE WITNESS: Representative
8 party. I represent the class of
9 investors.
10 MS. MORIATY: Yes. As used
11 in Paragraph 3. But you do not have to
12 give me a legal --
13 MR. COLLINS: Excuse me. He
14 was answering.
15 Go ahead.
16 THE WITNESS: As a
17 representative party on behalf of the
18 class. By me doing this, I represent
19 the people who invested in this company
20 and lost money.
21 BY MS. MORIATY:
22 Q. Do you know whether you were
23 appointed lead plaintiff in this case?
24 A. That's what they said. I didn't
25 volunteer for that.

1 on every deal I make, but I don't expect
2 people not to be honest. Now, I've said
3 that before. I'm not going to tell you
4 again. Okay?
5 Q. How many members are in the class
6 that you seek to represent?
7 A. I don't know. I can look it up,
8 though.
9 Q. Is there more than one class?
10 A. I'll go look it up, if you want.
11 Q. Do you know what geographic
12 regions are included in the class?
13 MR. COLLINS: Oh, come on.
14 Foundation.
15 THE WITNESS: I'll ask my
16 attorney.
17 BY MS. MORIATY:
18 Q. Do you know if the other class
19 members bought Adams Golf stock?
20 A. I would have to ask my attorney.
21 Q. Do you know when they bought their
22 stock?
23 A. Date and time?
24 Q. Yes.
25 A. No.

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1 Q. Do you know when the alleged class
2 period begins?
3 A. **I guess I could review that with**
4 **my attorney.**
5 Q. Do you know when it ends?
6 A. **I'd have to review that with my**
7 **attorney.**
8 Q. Do you know --
9 A. **I know now it's in Delaware and**
10 **it's a lot easier for me to go to**
11 **Delaware than Texas.**
12 Q. Do you think your claims are
13 similar to those of the other class
14 plaintiffs you're going to represent?
15 MR. COLLINS: Calls for a
16 legal conclusion.
17 THE WITNESS: I don't know
18 that. I do know that my one son and a
19 couple employees that had it, as long as
20 I do something, they'll be happy. I've
21 got a lot of time now.
22 BY MS. MORIATY:
23 Q. Do you know how many other
24 proposed class representatives there
25 are?

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1 A. **Didn't you just ask that? I think**
2 **we just asked that and I think I told**
3 **you I'd have to ask my attorney.**
4 Q. Do you know that Federated
5 National Insurance Company withdrew as a
6 proposed class representative?
7 A. **No, I don't.**
8 Q. So then I assume you wouldn't know
9 why they withdrew.
10 A. **No. Did they lose money, too?**
11 Q. You've got me.
12 Have you ever met with any of
13 the other class members?
14 A. **Yes.**
15 Q. If so, have you discussed the case
16 with them?
17 A. **No.**
18 MR. COLLINS: Well, wait a
19 minute. You two have a
20 misunderstanding.
21 THE WITNESS: Well, she asked
22 me if I ever met with my son, David. I
23 see him all the time. Do I discuss this
24 case with him? No.
25 MR. COLLINS: And we also

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1 have extensive testimony on the record
2 already about discussions with family
3 members and broker about this case.
4 BY MS. MORIATY:
5 Q. Did you meet with any other class
6 representatives?
7 A. **No.**
8 Q. What do you understand to be your
9 responsibilities as a representative?
10 A. **Didn't I just answer that**
11 **question?**
12 Q. I don't think so.
13 A. **I think so.**
14 Q. Your responsibilities?
15 A. **Yes. My responsibilities is to**
16 **carry out this class-action suit to try**
17 **to get their money back for them being**
18 **scammed.**
19 Q. Is there any degree of diligence
20 that is required to do that in your
21 mind?
22 MR. COLLINS: Because --
23 THE WITNESS: Be available.
24 MR. COLLINS: Excuse me.
25 Foundation, legal conclusion.

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1 Go ahead.
2 Did you finish your answer,
3 sir?
4 THE WITNESS: To be
5 available.
6 BY MS. MORIATY:
7 Q. Why do you think you would be an
8 appropriate class represent?
9 A. **Why do I think? I don't think I'd**
10 **be a perfect class representative. It's**
11 **not my forte to sue people. I've never**
12 **sued anybody before. I don't go through**
13 **all this legal stuff and you don't want**
14 **to know my opinion of lawyers.**
15 Q. How much time have you spent so
16 far fulfilling these duties as lead
17 plaintiff?
18 A. **I don't keep track of it.**
19 Q. Can you give me a ballpark?
20 A. **Well, the mail comes, I open the**
21 **letters, I read them, I call the lawyer**
22 **up, I send him the stuff.**
23 Q. You show up to this.
24 A. **I met with a lawyer today for a**
25 **couple hours. If I have to go to**

24 (Pages 90 to 93)

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1 Delaware, I'll go to Delaware. It's a
 2 lot easier drive than coming to
 3 Philadelphia.
 4 Q. Do you have any other
 5 responsibilities that might interfere
 6 with your ability to fulfill any of your
 7 class rep duties?
 8 A. No. Sort of looking for a career
 9 change. Maybe I'll do this.
 10 Q. What do you stand to gain as class
 11 representative?
 12 A. I don't think I stand to -- maybe
 13 get my money back that I lost, but that
 14 would be about it I'd imagine.
 15 Q. What parts of the lawsuit do you
 16 intend to directly participate in beyond
 17 this deposition? For example, will you
 18 attend things like class certs or the
 19 hearings for that?
 20 A. If my attorney wanted me to do
 21 something and I thought it was
 22 reasonable, I would do what he told me
 23 to do.
 24 Q. Will you attend the mediation?
 25 A. What is that?

1 Q. Okay. Who paid for your flight to
 2 attend this deposition?
 3 MR. COLLINS: Excuse me. Off
 4 the record.
 5 THE WITNESS: My flight? I
 6 drove from the shore. It's an hour and
 7 a half drive.
 8 MR. COLLINS: Off the record.
 9 (Discussion off the record.)
 10 MS. MORIATY: We're back on.
 11 BY MS. MORIATY:
 12 Q. Do you have an agreement with your
 13 attorneys concerning your costs in
 14 acting as class representative?
 15 MR. COLLINS: Foundation,
 16 vague and ambiguous.
 17 THE WITNESS: No, not really.
 18 MS. MORIATY: I'm sorry?
 19 THE WITNESS: Not really.
 20 MS. MORIATY: Off the record
 21 for just a second.
 22 (Recess, 11:59-12:09 p.m.)
 23 MS. MORIATY: Back on.
 24 BY MS. MORIATY:
 25 Q. Who are your attorneys?

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1 Q. It's a discussion between the two
 2 parties but it's -- it's an event
 3 occurring on June 1st, 2005. Do you
 4 currently have any plans to attend?
 5 A. I didn't know about it. I might
 6 be in the Bahamas but if I'm not, I'd
 7 attend if he told me to.
 8 MR. COLLINS: We might move
 9 the mediation to the Bahamas, too.
 10 MS. MORIATY: That would be
 11 great.
 12 BY MS. MORIATY:
 13 Q. Who has the authority to settle
 14 this case?
 15 A. I think I have a lot to say about
 16 it with the attorney. I mean, the
 17 attorney can tell me to jump out the
 18 window, doesn't mean I'm going to do
 19 it. But yeah, I think that I take the
 20 attorney's advice.
 21 Q. Do you plan on attending the
 22 entire trial?
 23 A. What dates are they?
 24 Q. Hasn't been set yet.
 25 A. Well, then I don't know.

1 A. Who are my attorneys? They're
 2 sitting right here.
 3 Q. Can you --
 4 A. Mr. Collins, Don and Alan Sanders.
 5 Q. Thank you.
 6 How did you choose your
 7 attorneys?
 8 A. Alan Sanders has been my attorney
 9 for probably 25 years, and he made
 10 recommendations.
 11 Q. So why did you choose these
 12 attorneys? Just off his
 13 recommendations?
 14 MR. COLLINS: Well, vague and
 15 ambiguous.
 16 You mean why did he choose
 17 the attorneys apart from Mr. Sanders?
 18 MS. MORIATY: Right.
 19 THE WITNESS: Why did I
 20 choose Mr. Sanders?
 21 BY MS. MORIATY:
 22 Q. Why did you choose your attorneys?
 23 MR. COLLINS: Apart from
 24 Mr. Sanders, apparently.
 25 BY MS. MORIATY:

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1 Q. Why did you choose any --
 2 A. **I discussed this with Mr. Sanders.**
 3 Q. And you followed his
 4 recommendations?
 5 A. **And I followed his**
 6 **recommendations.**
 7 Q. Do you have an understanding that
 8 they will obtain some sort of
 9 contingency fee if the plaintiffs win
 10 the lawsuit?
 11 A. **I never really went over that with**
 12 **them.**
 13 Q. How much do your attorneys bill
 14 per hour?
 15 A. **No idea.**
 16 Q. Did you take competitive bids from
 17 other attorneys?
 18 A. **No.**
 19 Q. How many times have you physically
 20 met with your attorneys to date about
 21 this case?
 22 A. **Well, I see Mr. Sanders on a**
 23 **monthly basis and we discuss a lot of**
 24 **topics, so I don't know how many of**
 25 **those times we discussed this case. I**

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1 **talk to Mr. Collins on the phone and I**
 2 **met with him today.**
 3 Q. When did you talk with Mr. Collins
 4 on the phone?
 5 A. **Several days ago.**
 6 Q. But prior to that had you had any
 7 conversations with him?
 8 A. **Probably a year, two years ago or**
 9 **something.**
 10 Q. How often do you speak with your
 11 attorneys about the status of the
 12 lawsuit? Are you updated every time you
 13 talk to your lawyer, monthly?
 14 MR. COLLINS: Okay. Now, are
 15 you asking about updates or are you
 16 asking about oral conversations or both?
 17 BY MS. MORIATY:
 18 Q. How often are you updated on the
 19 status of this lawsuit?
 20 A. **Periodically.**
 21 Q. What kind of period?
 22 A. **I don't know. It's not set in**
 23 **stone. I mean, they send me things in**
 24 **the mail. They'll -- you know, if I**
 25 **have questions, I call them.**

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1 Q. Generally, monthly, you think?
 2 A. **It could be.**
 3 Q. Okay.
 4 MS. BRANNEN: I'm sorry. I
 5 couldn't hear your answer.
 6 THE WITNESS: It could be.
 7 BY MS. MORIATY:
 8 Q. Do you know how many motions your
 9 counsel have filed in this case?
 10 A. **No.**
 11 Q. Who makes the strategy calls in
 12 this case?
 13 A. **The lawyers.**
 14 Q. If you disagreed with your
 15 attorneys' decision about how to handle
 16 some aspect of the case, what would you
 17 do?
 18 MR. COLLINS: Hypothetical,
 19 foundation.
 20 THE WITNESS: I would discuss
 21 it with them and tell them my point of
 22 view.
 23 BY MS. MORIATY:
 24 Q. Have you discussed the strengths
 25 and weaknesses of your case with your

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1 attorneys?
 2 MR. COLLINS: You can only
 3 answer whether that subject matter
 4 was --
 5 MS. MORIATY: Just --
 6 MR. COLLINS: -- was
 7 discussed without going into the details
 8 as to who said what.
 9 THE WITNESS: Have I
 10 discussed the subject matter with my
 11 attorney?
 12 BY MS. MORIATY:
 13 Q. The subject matter of the
 14 strengths and weaknesses of your case
 15 with your attorneys.
 16 A. **I haven't to this -- at this time.**
 17 Q. Okay. Have you discussed the
 18 prospects of settlement with your
 19 attorneys?
 20 A. **No.**
 21 Q. Do you know whether or not a
 22 settlement offer has been made?
 23 A. **No. I think if it was agreed**
 24 **upon, I would then know that.**
 25 Q. Who do you believe is responsible

26 (Pages 98 to 101)

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1 Q. Do you have any concept of the
2 magnitude of those costs at all?
3 MR. COLLINS: Well, vague and
4 ambiguous, asked and answered.
5 THE WITNESS: I imagine it's
6 very lucrative or there wouldn't be so
7 many attorneys in the United States.
8 BY MS. MORIATY:
9 Q. Have you taken any steps to manage
10 the costs in this lawsuit?
11 MR. COLLINS: To what?
12 THE WITNESS: Manage the
13 costs.
14 BY MS. MORIATY:
15 Q. Control, constrain.
16 A. No. I'm not really, you know,
17 into the legalities of it.
18 Q. So have you reviewed any monthly
19 time and expense reports prepared by
20 your lawyers?
21 A. No.
22 Q. Do you know if these costs are
23 going to come out of any recovery your
24 class might get as a result of this
25 suit?

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1 A. No. But I mean, I've had class-
2 action suits go across my desk for
3 years. I don't think the little person
4 ever gets anything. It's always the
5 attorneys. But I think what we're
6 trying to do here is establish the fact
7 that these people were crooks.
8 Q. Do you know whether defendants can
9 seek to recover the costs of a lawsuit
10 from you alone if they win?
11 MR. COLLINS: Wait a minute,
12 please.
13 THE WITNESS: No, I don't.
14 MR. COLLINS: I'm sorry. You
15 need to let me object when it's a
16 particularly outrageous question.
17 THE WITNESS: Okay. Okay.
18 MR. COLLINS: That question
19 was objectionable on a number of grounds
20 which I'd be glad to describe,
21 otherwise, you can go ahead.
22 MS. MORIATY: I would now
23 like to introduce what we're going to
24 have to mark as Exhibit 24.
25 (Exhibit 24 was marked for

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1 identification.)
2 BY MS. MORIATY:
3 Q. I'm showing you what's been marked
4 as Exhibit 24. Take a moment to look at
5 it and let me know what it is.
6 MR. COLLINS: I'm sorry.
7 There's a question?
8 BY MS. MORIATY:
9 Q. Please tell me what that is after
10 you've reviewed it.
11 Have you reviewed it? Can
12 you tell me what it is?
13 A. What I would call an Employment
14 Agreement. I don't think that's the
15 legal term for this.
16 Q. Would you agree that it's an
17 agreement about attorneys' fees and the
18 arrangement between you and the
19 attorneys?
20 MR. COLLINS: Well --
21 THE WITNESS: And other
22 things, yes.
23 MR. COLLINS: Thank you.
24 BY MS. MORIATY:
25 Q. And it looks accurate to you?

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1 MR. COLLINS: Now, wait a
2 minute.
3 Please explain accurate. You
4 mean is that his signature?
5 MS. MORIATY: Have you seen
6 this document before?
7 THE WITNESS: I signed it.
8 BY MS. MORIATY:
9 Q. Does it appear to be the document
10 you signed?
11 A. Yes.
12 Q. Thank you. That's all we're doing
13 with that.
14 MR. COLLINS: Okay.
15 It's a long time.
16 BY MS. MORIATY:
17 Q. Okay. Are you aware of a Motion
18 to Dismiss being filed in this case?
19 A. Yes.
20 Q. Do you know the outcome of that
21 Motion?
22 A. I don't know if I can tell you in
23 legal terms of that, but I think it was
24 and then it was brought back.
25 Q. Okay.

28 (Pages 106 to 109)

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1 Q. And the first page reflects --
 2 A. **I have no idea where the first**
 3 **page came from or what it reflects.**
 4 Q. So these records show that you
 5 bought 3,000 shares of Adams Golf in the
 6 IPO on July 10th; is that correct?
 7 MR. COLLINS: These documents
 8 speak for themselves.
 9 Go ahead. You may answer.
 10 THE WITNESS: Yes.
 11 BY MS. MORIATY:
 12 Q. Why did you sell?
 13 MR. COLLINS: Now --
 14 BY MS. MORIATY:
 15 Q. I'm sorry. Let me split that
 16 question up.
 17 You sold 1,500 shares on our
 18 next date is July 17th, 1998. Why did
 19 you sell those shares at that time?
 20 A. **In 1998?**
 21 Q. Seven days after you bought them.
 22 A. **Did the stock go down?**
 23 Q. You seem to have made money.
 24 A. **I made money?**
 25 Q. That's what it looks like.

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1 A. **Bad report came out, stock started**
 2 **going down, I sold half of the stock. I**
 3 **waited to see if it was going to come**
 4 **back. It didn't. I sold the rest. It**
 5 **went down after that.**
 6 Q. So you sold -- this is in response
 7 to a negative report?
 8 A. **I imagine so, ma'am. In 1998 I**
 9 **don't know what you were doing, but I**
 10 **really don't remember exactly what**
 11 **happened.**
 12 Q. It's fine if you don't remember.
 13 I'm just trying to get your best
 14 recollection. So then you sell the
 15 second 1,500 shares on December 30th,
 16 1998. Why did you sell on that date?
 17 A. **Because the stock was going down.**
 18 **And I didn't like the report.**
 19 Q. So there was no other particular
 20 significance of December 30th?
 21 MR. COLLINS: Vague.
 22 You may answer.
 23 THE WITNESS: Not that I know
 24 of.
 25 MS. MORIATY: Okay.

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1 BY MS. MORIATY:
 2 Q. Do you still hold any Adams Golf
 3 stock?
 4 A. **No.**
 5 Q. Would you consider buying Adams
 6 Golf stock?
 7 A. **No.**
 8 Q. Were these your only transactions
 9 in Adams Golf stock?
 10 A. **I'm pretty sure of that.**
 11 Q. Okay. At any time before your
 12 purchase did you review any documents
 13 issued by Adams Golf like the SEC
 14 filings or the prospectus or press
 15 releases?
 16 MR. COLLINS: Asked and
 17 answered.
 18 Go ahead.
 19 THE WITNESS: I think I
 20 stated the fact that those days the
 21 stockbroker would call me up, he'd
 22 explain the stock, explain what it was
 23 about and I would buy the stock.
 24 Shortly after prospectus or something
 25 would show up.

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1 BY MS. MORIATY:
 2 Q. Did you read any analyst's report
 3 about the golf industry?
 4 A. **I don't remember.**
 5 MR. COLLINS: You need to let
 6 her get the question out.
 7 BY MS. MORIATY:
 8 Q. Did you read any analyst's reports
 9 about the golf industry?
 10 A. **I don't remember.**
 11 Q. Have you ever read before or after
 12 or since any analyst's reports about the
 13 golf industry?
 14 A. **Golf industry?**
 15 Q. Yes.
 16 A. **No, not really.**
 17 Q. How about on Adams Golf?
 18 A. **Not that I can recall.**
 19 Q. Okay.
 20 MR. COLLINS: Now, the last
 21 question was, did he ever read an
 22 analyst's report?
 23 MS. MORIATY: On Adams Golf.
 24 MR. COLLINS: At any time.
 25 MS. MORIATY: At any time.

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